



Town of Wenham  
Wenham Conservation Commission  
Meeting of Monday, July 9, 2007 at 7:30 PM  
Senior Center ~ School Street

Present: Patrick Wilson, Chair; Leo Maestranzi; Malcolm Reid; Robert Burnett; Ken Whittaker (7:38)

Also Present: Emilie Cademartori, Coordinator; Catherine Tinsley, Secretary

Not Present: Philip Colarusso

Abbreviations used:

CC – Conservation Commission

DEP – Department of Environmental Protection

DPW – Department of Public Works

Public information provided: Agenda

7:31 -Mr. Wilson opened the meeting.

Ms. Cademartori explained to the Commissioners that she invited Planning Board Chair, David Geikie to the meeting for the purpose of discussing sub division bylaws, especially in relation to recently proposed sub divisions and to clarify on comments needed from the CC on the proposed plans.

An aerial map was provided for reference and the following were identified and discussed.

- Flooding /surface water areas
- Wetland areas have been identified on the 75 Arbor Street subdivision property
- A priority and estimated habitat natural habitat has been identified by Natural Heritage and endangered species program
- Blue and Jefferson salamanders have been found
- Non certified vernal pools have also been noted.
- Designated Mass prime forestry area in both 65 & 75 Arbor Street (potential for prime forestry to grow)
- Lot 5 was identified as being a part of the Wenham Wetlands; No wetlands jurisdiction regarding 65 Arbor Street
- The Commission can request a Wildlife Assessment or Vernal Pool Study

Mr. Geikie explained the ROSC bylaw (Residential Open Space Committee) that allows cluster housing with 1 acre perkable lots.

He noted that the 75 Arbor Street proposed plans leave the historical house on site to be preserved and the other on site building will be moved and refurbished as an affordable unit to meet the criteria of low income standard and the remainder of the homes is new construction.

Mr. Geikie added that although the open space is in Hamilton, it benefits the area as a whole.

The Commission observed the following and the Coordinator will formalize the comments for submission to the Planning Board.

- The 10 foot path way as identified on the plans does not comply with the definition for Open Space

- Regarding lot 5 – although there is no construction within 50 feet, the septic field is within the 100 foot set back
- Vernal pools will be investigated
- Open space area's need to be identified and the 10 foot buffer zone was questioned as required by the bylaw
- limit impervious surface by suggesting common driveways that could be pervious to lessen the impact to the watershed
- Different lot alignment to increase the open space
- Drainage/storm water affects the surrounding wetlands

Notice of Intent (DEP File no. 326-0298); 363 Grapevine Road

Comments from DPW Director Bill Tyack were recognized. He identified that neighboring property has a history of septic back-up and noted his concern of the impact to the culvert.

The DEP has not responded to the redesign of the plan submitted by the applicant.

The peer review dated July 2, 2007 was received and reviewed by the Commissioners.

The applicants engineer will respond at the next meeting.

Discussion on the hiring of Hayes for a peer review followed.

The abutters will be notified regarding the peer review.

Mr. Maestranzi made a motion to continue the hearing.

Voting in favor: Patrick Wilson; Leo Maestranzi; Malcolm Reid; Robert Burnett; Ken Whittaker

Opposed: None

MOTION CARRIED

Notice of Intent (DEP File no. 326-0299): Pleasant Pond Beach Parking Area

John Dick reported that there are changes in the DEP policy's that now requires permits from both Hamilton and Wenham Conservation Commissions to proceed with the enhancement plan.

He went on to say that the filing with Natural Heritage is complete; Waterways (Chapter 91) says there is no license for the ramp; Historical filings for this site will close out all previous orders.

The retaining wall may require a variance for a small portion of the wall that falls closer than 30 feet to the resource of the pond.

The CC can issue an Order of Condition to require that the applicant get a Chapter 91 license.

Mr. Maestranzi made a motion to approve the project as proposed and grant variances.

Voting in favor: Patrick Wilson; Leo Maestranzi; Malcolm Reid; Robert Burnett; Ken Whittaker

Opposed: None

MOTION CARRIED

The coordinator will prepare an order for the next meeting.

It was noted that a waiver must be granted to replace what is there with different materials.

Notice of Intent (DEP File no. 326-0301): Horse Hill Lane (HHL)

The Commissioners discussed the proposed plans that a house be constructed on Horse Hill Lane.

To avoid major impact on the wetlands, the Commissioners encouraged an alternate access from Preston Place in Beverly Farms.

The Commissioners noted their concern that a legal plan needs to be submitted and the access needs to be identified as a driveway or legal way recognized by the Town before they can take action.

This information needs to be included for the next meeting for the CC to act in a timely manner.

The Commission also discussed waving the filing fee for the applicant to withdraw the application in order to get approval from other boards and re-file their application.

It was the consensus of the Commission that any decisions on their part can be contingent on meeting other Board/Commission/Committee approval.

The applicant will be invited to make a presentation to the CC or withdraw their application.

Certificate of Compliance (DEP File no. 326-0295): Burnham Road Culvert

The “As built” has been received; a site visit is necessary to verify the proposal to what has been done on site before a certificate of compliance.

Mr. Whittaker will make a site visit on behalf of the Commissioners.

The Coordinator will also make a site visit.

Request for extension (DEP file 326-0266)

Mass Audubon representative, Lou Wagner was present to address the Commissioners.

He told them that they have not been able to implement the plans to control the Glyceria, the invasive grass in the Ipswich River, explaining that either the conditions have not been favorable or there has not been enough staff.

He noted that the colony seems to be stabilizing and requested an extension.

Mr. Wagner added that their efforts to do the same at their Topsfield location have been successful.

Mr. Wagner also updated the CC on a the Audubon’s project to control purple loosestrife on the Endicott property in Danvers saying beetles that eat the leaves of the loosestrife plant have been released. The Boston Globe is doing a story on this for the Globe North section.

Mr. Maestranzi made a motion to grant the request to Mass Audubon for a three year extension.

Voting in favor: Patrick Wilson; Leo Maestranzi; Malcolm Reid; Robert Burnett; Ken Whittaker

Opposed: None

MOTION CARRIED

A copy of the recording was requested in order to issue an extension.

Enforcement Order: 19 Hill Street / Arthur Ingemi

Ms Cademartori reported that she and the previous Coordinator made a site visit at 19 Hull Street and confirmed that the new trees have been planted, and the tree trunks were removed but they observed limbs, brush at the base of the slope.

The erosion has been stabilized but possible additional construction activity was noted near the shed which is closer to the wetlands.

The CC requested that Mr. Kirby attend the meeting.

The Coordinator will schedule a site visit for the Commissioners.

Ms. Cademartori reported she observed that as a result of the clearing there is an increase in sunlight which has encouraged the growth of different plantings especially aggressive vines and the owner may need additional permission to control the vines.

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DISCUSSION

43 Pleasant Street

New cuttings behind retaining wall and a new stairway on the slope that the order would have prohibited may have been observed.

The owner will be asked to attend the next meeting.

The ANRAD (Abbreviated Notice of Resource Area Delineation) has come in for the wetland at 75 Arbor Street.

The Commissioners received and briefly reviewed an article on 40b projects.

Iron Rail – Field rebuilding

There is no open file with the Commission regarding field rebuilding.

9:51 pm Mr. Maestranzi made a motion to adjourn and it was unanimous to do so.